

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CLOGIC, LLC

PLAINTIFF

v.

Civil No. 1:13-cv-32-HSO-RHW

**GENERAL DYNAMICS ARMAMENT
TECHNICAL PRODUCTS, INC.**

DEFENDANT

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS, GRANTING
DEFENDANT'S MOTION TO STAY, AND STAYING CASE PENDING
RESOLUTION OF THE ADMINISTRATIVE PROCEEDING BEFORE THE
UNITED STATES GOVERNMENT**

BEFORE THE COURT is Defendant General Dynamics Armament and Technical Products, Inc.'s Motion [14] to Dismiss with Prejudice or, in the Alternative, Motion to Dismiss Without Prejudice or Stay. The Motion has been fully briefed. After consideration of the parties' submissions, the record, and relevant legal authorities, the Court finds that Defendant's Motion [14] should be granted to the extent that this case will be stayed pending resolution of the administrative proceedings before the United States Government. The Motion should be denied in all other respects. The outcome of the administrative proceedings will likely narrow and may eliminate altogether the issues to be litigated in this case. A stay at this juncture imposes no unwarranted burden on Plaintiff CLogic, LLC, because Plaintiff was not diligent in submitting its Request for Equitable Adjustment to Defendant. Should further proceedings in this Court become necessary or desirable following resolution of the administrative proceedings, either party may move to reopen the case.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant General Dynamics Armament and Technical Products, Inc.'s Motion [14] to Dismiss with Prejudice or, in the Alternative, Motion to Dismiss Without Prejudice or Stay is **GRANTED IN PART AND DENIED IN PART**. The Motion is granted to the extent that this case is stayed pending resolution of the administrative proceedings before the United States Government. The Motion is denied in all other respects

SO ORDERED AND ADJUDGED, this the 3rd day of March, 2014.

s/ Halil Suleyman Ozerdan

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE